Office-Supreme Court, U.S.
FILED
JUL 13 1982
ALEXANDER L. STEVAS,
CLERK

No. 81 2027

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1981

CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES JOINT APPRENTICESHIP AND TRAINING COMMITTEE AND TRAINING BOARD,
Petitioner,

VS.

LINDA ELDREDGE and CHRISTINE A. MAZUR, individually and on behalf of all others similarly situated,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITIONER'S REPLY MEMORANDUM

STEPHEN MCKAE
COUNSEL OF RECORD
WESLEY SIZOO
MOORE, SIZOO & CANTWELL
1333 Broadway, Suite 1040
Oakland, California 94612
Telephone: (415) 893-0717
On Behalf of the Petitioner Above Named

BOWNE-PERNAU WALSH • 190 NINTH ST. • S.F., CA 94103 • (415) 864-2300

No. 81 2027

In the Supreme Court

OF THE

United States

OCTOBER TERM, 1981

CARPENTERS 46 NORTHERN CALIFORNIA COUNTIES JOINT APPRENTICESHIP AND TRAINING COMMITTEE AND TRAINING BOARD,
Petitioner,

vs.

LINDA ELDREDGE and CHRISTINE A. MAZUR, individually and on behalf of all others similarly situated,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITIONER'S REPLY MEMORANDUM

This court's decision in *General Building Contractors Association, Inc. v. Pennsylvania* (U.S. Supreme Ct. June 29, 1982) ..... U.S. ....., 42 CCH S.Ct. Bull., Page No. B 4329, bears directly on the issue in this petition, whether employers participating in the apprenticeship program are parties in whose absence complete relief cannot be given. Petitioner argued at pages 17-22 of its responsive brief in the Ninth Circuit and at page 17 in the petition in this Court that petitioner Carpenters 46 Northern California Counties Joint Apprenticeship and Training Committee and Training Board could not be held liable merely because it did not take action to restrict the ability

of employers to select their own apprentices.[1] The ruling in *General Building Contractors Association* that employers had no affirmative duty to protect against unlawful discrimination by an apprenticeship committee, absent proof of agency or control, seems to require a similar conclusion here in favor of the JATC, where employers are alleged to be the source of discrimination. This compels a finding that those employers, absent here, are necessary parties.

Without a basis for establishing liability on the part of the JATC, *General Building Contractors Association* makes it clear that only "minor and ancillary relief" can be ordered against the JATC, and then only as the court "might find necessary to grant complete relief" to Linda Eldredge and Christine Mazur from the discrimination they allege on the part of the employers. *Id.*, 42 CCH S.Ct. Bull., B 4354. If the District Court is limited to issuing "minor and ancillary" relief against the JATC, then by definition the "complete relief" requirement of Rule 19 demands dismissal of this action.

Therefore, petitioner requests that the Writ be granted.

Dated: July 7, 1982.

Respectfully submitted,

MOORE, SIZOO & CANTWELL
STEPHEN MCKAE
COUNSEL OF RECORD
WESLEY SIZOO
On Behalf of the Petitioner Above Named

---

[1]Respondents incorrectly state in their opposition to the petition at pages 6-7 that this issue was not raised in the Court of Appeals.